

PUBLIC HEARING
August 26, 2009
for
SPECIAL MEETING SEPTEMBER 3, 2009
RELATIVE TO PROCEDURAL DEFECT
MINUTES

The meeting convened at 6:00 p.m. in the training room at the Wastewater Treatment Plant, 104 Sawmill Lane North Conway, NH. The following were present: Chairman James Umberger, Commissioner Robert Porter, Commissioner John Santuccio, Superintendent David Bernier, and Recording Secretary Kristine Cluff. No public was present at this meeting.

Chairman Umberger called the meeting to order at 6:00 p.m.

Chairman Umberger explained the purpose of this public hearing is to explain the procedural defect relative to the 2007 Annual Meeting.

The reason for the procedural defect is the bond hearing was held on March 8, 2007 and should have been held no later than March 3, 2007. The meeting was held within twenty days of the annual meeting and should have been held at least twenty five days before the annual meeting not including the day of the meeting.

Commissioner Umberger read Article 1 in entirety :

ARTICLE 1. To see if the Precinct will vote, pursuant to RSA 31:5-b, to legalize and ratify the action taken by the Precinct at its meeting of March 28, 2007 where the Precinct passed Article 2 of the warrant for the Precinct's 2007 annual meeting and raised and appropriated the sum of \$3,950,000 with no more than \$2,088,000 to be raised through the issuance of bonds and notes pursuant to the provisions of the Municipal Finance Act, RSA 33, as amended, which amount would be used to finance the construction of New Sewers for the following areas: Intervale Crossroads, Dinsmore Road, Kearsarge Road and Mechanic Street (the "Bond Issue"); the vote on the Bond Issue being procedurally defective due to the fact that the Commissioner's public hearing on the 2007 budget with respect to the Bond Issue was not properly noticed and held at least 25 days prior to the annual meeting, in violation of the provisions of RSA 32:5,l; provided, however, that should this article not pass, such vote will not rescind the original bond authorization. ***[Simple majority vote required as allowed by the North Conway Water Precinct Charter] Recommended by the Commissioners 2-0-0***

With no public being present, Chairman Umberger asked if the Board had any questions regarding this matter and none were brought forward. With concern that no public was present; the board chose to hold the meeting open for a short time in case anyone was late in arriving.

While waiting the Board clarified the recommendation on the article, it was explained that Chairman Umberger was out of town when the article was finalized.

ARTICLE 2. To act upon any other business which may legally come before this meeting. Motioned by Commissioner Porter seconded by Commissioner Santuccio to close this public hearing at 6:10 p.m. Motion carried by voice vote 3-0-0.

Respectfully,

Kristine M. Cluff
Recording Secretary

I, Karen C. Umberger, Clerk of the North Conway Water Precinct hereby attest these are the minutes of the Public Hearing held on August 26, 2009 relative to the Special Meeting to correct a procedural defect from the 2007 annual meeting.

Karen C. Umberger, Clerk